

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HERMAN HALL JR.,

Plaintiff,

v.

**COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,**

Defendant.

§
§
§
§
§
§
§
§
§
§

CASE NO. 6:15-CV-00851-RC-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On September 11, 2015, Plaintiff initiated this civil action pursuant to Social Security Act, Section 205(g) for judicial review of the Commissioner’s denial of Plaintiff’s application for Social Security benefits. Doc. No. 1. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On February 9, 2017, the Magistrate Judge issued a Report and Recommendation confirming that the decision of the Commissioner should be affirmed and the action be dismissed with prejudice. Doc. No. 22 (“R&R”). Plaintiff has filed objections to the Report and Recommendation. Doc. No. 23 (“Obj.”).

Plaintiff objects that the Magistrate Judge “erred in finding that the ALJ correctly applied the applicable legal standards in assessing Mr. Hall’s credibility, residual functional capacity (“RFC”), and ability to perform work, and in finding that substantial evidence supports those assessments.” Obj. at 1. Plaintiff then recites the standards for federal court review of an ALJ’s decision. *Id.* at 1–2; *see also* R&R at 2–3. Finally, Plaintiff quotes at length from his opening brief before concluding with the bare assertion that “the ALJ failed to comply with SSR 96-6p in determining the extent to which the State Agency Medical Consultants’ opinions are supported

by the record as a whole.” Obj. at 2–3. Plaintiff, however, does not refer to the Magistrate Judge’s findings in relevant detail in the substance of his objections. *See generally* Obj. Nor does Plaintiff provide any specific arguments explaining how the Magistrate Judge erred in his findings. *Id.*

Regardless, Plaintiff’s general objections are unavailing. The Magistrate Judge thoroughly reviewed the ALJ’s credibility assessment and found that the ALJ properly considered all the relevant factors, including the medical records of Plaintiff’s treatment, state agency medical expert opinions, and Plaintiff’s testimony during the hearing, in rendering his credibility findings. R&R at 6–9. Therefore, the Magistrate Judge did not err in finding the ALJ’s credibility findings to be supported by substantial evidence.

Likewise, the Magistrate Judge properly found that the ALJ’s RFC finding is supported by substantial evidence. *Id.* at 10–11. The Magistrate Judge noted that the ALJ adequately explained the reasoning for his RFC determination, appropriately weighed the evidence, and incorporated limitations into the RFC assessment that were most supported by the record. *Id.* at 11.

Finally, the Magistrate Judge concluded that the ALJ properly relied on the testimony of a vocational expert and found that Plaintiff is capable of performing past relevant work as a machine operator, comparing Plaintiff’s RFC with the physical and mental demands of that work, which the ALJ characterized as skilled, medium work. *Id.* at 12. The Court finds no error in the Magistrate Judge’s findings.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the decision of

the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 16th day of April, 2017.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge